

REVISION OF 1920.

STATE OF MICHIGAN

LAWS RELATING TO

General Primary Election

21-27083

ABSENT VOTERS, CORRUPT PRACTICES, APRIL
PRESIDENTIAL PRIMARY ELECTION, PRI-
MARY FOR NATIONAL COMMITTEEMAN,
AND OTHER RELATED SUBJECTS

COMPILED UNDER THE SUPERVISION OF
COLEMAN C. VAUGHAN,
SECRETARY OF STATE



BY AUTHORITY

FORT WAYNE PRINTING COMPANY
CONTRACTORS FOR MICHIGAN STATE PRINTING AND BINDING
FORT WAYNE, INDIANA
1920

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STATE OF MICHIGAN, *Laws, statutes, etc.*

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PRIMARY ELECTION LAW.

AN ACT relative to the nomination of party candidates for public office and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions, and to provide for the printing upon election ballots of the names of candidates nominated under the terms of this act, and to repeal act number four of the public acts of the extra session of the year nineteen hundred seven, and all local primary election acts contravening the provisions of this act, except as in this act otherwise provided.

[Act 281, P. A. 1909.]

The People of the State of Michigan enact:

§ 3517. SECTION 1. Whenever any primary election shall be held in this State or in any city, county, or district in this State, pursuant to the provisions of this act, the nomination of candidates for the offices herein named, by each political party, shall be made by direct vote of the registered and qualified voters of such political party in the State or in any district, county, or city in this State, as the case may be, in the manner hereinafter provided.

Nomination
by direct vote.

§ 3518. SEC. 2. All primary elections shall, except as herein otherwise provided, be conducted and regulated as near as may be in every particular as prescribed by law for the regulation and conduct of general elections. The provisions of the general election law shall apply to primary elections with respect to the giving of notice of registration and election, in fixing places for holding such election, providing the ballot boxes with the necessary equipment and supplies, in giving notice of meetings of boards of canvassers, in canvassing and certifying the result of the primary election and in giving notice of primary elections except as the contrary may be herein expressed, and all officers required to perform similar duties under the general election law shall be required to perform such duties under this act, with like power and compensation. All expenses of primary elections shall be defrayed from the same funds from which are defrayed the expenses of an election.

Primary
elections, how
conducted,
etc.

A seal is a necessary part of the equipment under the general election law.—
Ritze v. Bd. of Canvassers of Iron Co., 172 / 423.

"Primary,"
term defined.

§ 3519. SEC. 3. The words "primary" or "primary election," as used in this act, shall be construed to mean an election for the purpose of deciding by ballot who shall be the nominees of political parties for the offices named in this act or for the election by ballot of delegates to political conventions. The words "qualified elector" shall be construed to mean an elector who is qualified under the general election law, to vote for a member of the legislature in this State.

Registered
elector may
vote.

Proviso.

§ 3520. SEC. 4. No person shall be permitted to vote at any primary election held in this State, unless he shall be a registered and qualified elector of this State: Provided, however, That any qualified elector may be registered and be eligible to vote at any primary election if he shall appear in person before the city or township clerk or other officer in charge of the registration book, and take the oath required as to qualifications for registration, and request that his name be registered therein. The inspectors shall register any person who shall on any primary day appear and make oath or affirmation to the effect that he is a qualified elector in such precinct, or when they personally know him to be such. Any person registered on any primary day as prescribed herein, shall be entitled to vote at the succeeding election without other registration. There shall be no other registration day or days for either a primary, a general or a city election, except that prescribed by the general election laws and in this act.

Sections 5, 6, 7, 8, 9, 10 and 11, providing for party enrollment of electors, were repealed by Act 118, P. A. 1913. But the amendment of 1915 (Act 313) provides for printing separate party tickets.

Party nomi-
nation for
city offices.

Proviso.

§ 3521. SEC. 12. The question of the nomination of party candidates for city offices, in cities having a population of less than seventy thousand, may be submitted or resubmitted to the qualified electors of such city upon petition therefor signed by a number of voters of such city, which number shall constitute not less than twenty per centum of the total number of votes cast in such city for secretary of state at the last preceding November election. Such proposition may be submitted or resubmitted at any primary election: Provided, That a resubmission in any city shall not take place within two years after such question has been decided either affirmatively or negatively by a majority of the qualified voters of such city voting on such proposition.

Petition,
where
addressed.

§ 3522. SEC. 13. The petition referred to in the preceding section relative to city offices in cities having a population of less than seventy thousand, shall be addressed to the city clerk and shall be delivered to said city clerk at least thirty days before the date of the election on which the proposition is to be voted upon by the voters of said city.

§ 3523. SEC. 14. The said petition shall be substantially in the following form: Form of.

We, the undersigned, voters of the city
of respectfully petition that the
question of direct nomination of party candidates for
..... shall be submitted (or resubmitted) to the
qualified electors of said city on the
(Signed)

§ 3524. SEC. 15. The said city clerk shall examine said petition and if it is found that a sufficient number of voters have signed said petition, he shall give notice as near as possible in the manner now provided by law for giving notice of general elections in this State, that at an election to be held pursuant to the provisions of this act (giving the date), the proposition will be submitted or resubmitted to the qualified electors of said city, referred to in such petition or petitions whether the nomination of party candidates for the offices named in said petition or petitions shall thereafter be made in such city by direct vote, and the proper board of election commissioners under the general election law shall cause to be printed on the ballot to be used at such primary election, in substance, the following words: City clerk to give notice.
Ballot, form of, etc.

Instruction: Make a cross in the square to the left of the words "Yes" or "No" on each proposition submitted.

Primary election system for the nomination of candidates for offices.

- [] Yes.
[] No.

The color of the ballots shall be the same as is prescribed by law for ballots for a general election. The size and form of the ballots other than as herein directed, shall be prescribed by the said board of election commissioners. The votes cast at such election shall be canvassed, and returns thereof made in like manner as is provided for the canvassing of votes and the making of returns of any general election in such county or city by the terms of existing law. All candidates for circuit judge shall be selected in accordance with the provisions of this act: Provided, That all duties imposed upon city or county clerks shall in the case of judicial districts composed of more than one county be performed by the secretary of state. The provisions of this act relative to the nomination of candidates for district offices are as far as possible made applicable to the election of candidates for circuit judge. The primary election for the election of candidates for circuit judge shall be held on the first Wednesday in March prior to the election. The vote cast for candidates in judicial districts shall be counted and canvassed in the same manner as the vote cast on the election of circuit judge. Canvass.
Circuit judges.
Proviso.
Primaries, when held.
Canvass.

It was the intention of the legislature to fix the first Wednesday in March for the nomination of candidates for county offices by primary petitions.—Mandell v. Farrell, 164 / 585.

August primary.	<p>§ 3525: SEC. 16. A general primary election for all political parties shall be held in every election precinct in this State on the last Tuesday in August preceding every general November election, at which time the registered and qualified voters of each political party shall vote for party candidates for the office of governor, lieutenant governor, and United States senator: Provided, That no nomination for the office of United States senator shall be made, unless such official is to be elected at the next succeeding general November election. A general primary election for all political parties shall also be held on the first Wednesday in March prior to the spring election at which time the registered and qualified voters of each political party shall vote for candidates for county offices filled at the spring election; for candidates for circuit judge and for candidates for city offices in cities in which the provisions of this act are applicable: Provided, That in those cities in which the provisions of this act are applicable and in which city officers are elected at a time other than the general November election or the spring election, the primary election in such city shall be held on the third Tuesday prior to the charter election and all of the provisions of this act shall be made applicable thereto. Whenever a regular or special primary election is required by the provisions of this act to be held in any county or district, it shall be held in every portion thereof regardless of whether there are any candidates for any city offices to be nominated at such regular or special primary election: Provided, That the provisions of this act relative to the nomination of candidates for city offices shall not apply to any city which has adopted or which may hereafter adopt a commission form of government, or in which city officers are elected on a non-partisan ballot, or wherein provision is made by the charter of such city for the nomination of candidates for city offices in any manner other than as herein provided, except as the charter of such city may make the provisions hereof applicable. Whenever a special election shall be called to fill any vacancy in any office, the candidates for which are regularly nominated in accordance with the provisions of this act, a special primary election for all political parties shall be held in the city, county or district in which such vacancy occurs, on such day as may be fixed by the authority calling the special election but not less than twenty days prior to the date of such special election and the authorities calling any such special primary election shall in the call therefor fix a time within which candidates may file nominating petitions. The provisions of this act, relative to the printing, distribution, etc., of primary election ballots shall be applicable to the ballots prepared for use at a special primary election. The ballots shall be prepared in such manner that the voters of each political party may write, print or paste the name of a candidate thereon. The provisions of this act shall be appli-</p>
Candidates.	
Proviso, United States senator.	
March primary.	
Candidates.	
Proviso, certain cities.	
In case of no candidates for city offices.	
Proviso, certain cities excepted.	
Special election and primary.	
Ballots for special primary.	

cable in all particulars to special primary elections except as the contrary is indicated in this section. It shall be unlawful for any person directly or indirectly at any regular or special primary election to distribute slips or pasters, or electioneer or induce or attempt to induce any person to vote or refrain from voting in a particular way within any polling place or within one hundred feet thereof. It shall be lawful to call a special election for the submission of any proposition on any regular or special primary election day.

Distribution slips, etc., in or near polling place.

Submission of propositions.

Am. 1919, Act 400.

This section, as amended in 1911, was applicable to the office of circuit judge which became vacant after the spring election and 30 days or more prior to the regular November election. Primary petitions to nominate candidates were properly received and filed by the secretary of state.—Oren v. Secretary of State, 171 / 590.

§ 3526. SEC. 17. In every congressional district in this State there shall be nominated at the said August primary election, by direct vote of the registered and qualified voters of each political party within such district, a party candidate for representative in congress. In every senatorial district in this State there shall be nominated at the said primary election, by direct vote of the registered and qualified voters of each political party within such district, a party candidate for State senator. In every representative district in this State there shall be nominated at the said primary election, by direct vote of the registered and qualified voters of each political party within such district, a party candidate or candidates as the case may be, for representative in the State legislature. In every county in this State there shall be nominated at the said primary election by direct vote of the registered and qualified voters of each political party within such county, party candidates for county offices to be voted for at the November election following. In every city of the State having a population of seventy thousand or more, there shall be nominated at said August primary election or on the first Wednesday in March preceding any April election, whenever a city or county election in said city or county is held in April, by direct vote of the registered and qualified voters of each political party within such city or county, party candidates for ward, city or county offices. In any city in this State having a population of less than seventy thousand in which the voters have decided, in accordance with the provisions of this act, in favor of direct nominations of party candidates for city offices, when such offices are to be voted for at the November election following, there shall be nominated at the said primary election by direct vote of the registered and qualified voters of each political party within such city, party candidates for city offices: Provided, That if upon the expiration of the time for filing petitions in any primary for city or county, it appears that there is no opposition to any candidate for any office, upon any ticket, then the city or county clerk, as the case may be, shall certify to the board of

Congressmen, when nominated.

State senator.

Representative.

County officials.

Candidates in certain cities.

In certain other cities.

Proviso, in case of no opposition.

Notice of
abandonment.

Proviso, duty
of Secretary
of State, etc.

In case duties
of two officers
combined.

Delegates to
county con-
vention.

Vacancies in
delegations.

Call for State
convention.

Apportion-
ment of
delegates.

election commissioners, the names of all persons whose petitions have been properly filed, and the office for which such petitions were filed, and such persons shall be declared, by such board of election commissioners, nominees for the respective offices and such county clerk shall forthwith notify the several clerks of the townships and cities interested, if any, and give notice that the primary will not be held as contemplated, giving the reasons therefor, and a public notice shall be given of such determination by a brief notice published by such clerk in a newspaper published in such county: Provided also, That if upon the expiration of the time for filing petitions in any primary, the secretary of state shall find within a given district that there is no opposition for any office upon any ticket, he shall forthwith give notice to the clerks of the several counties embraced, forthwith, certifying the names of the candidates and the office to which they aspire, to the State board of canvassers, who shall declare them the nominees for the respective offices, and shall give notice to the clerks of the several counties embraced in such district, and if the clerk shall find that there is no opposition for any office upon any ticket for a county office, then it shall be the duty of such clerk to forthwith give notice to the several city and township clerks interested that a primary will not be held as contemplated, but in no event shall a primary election be abandoned in any township, city, county or district wherein there shall be opposition for any office, upon any ticket. In those instances in which the duties of two officers are combined, all nomination petitions shall include and name the two offices.

Am. Id.

§ 3527. SEC. 18. There shall also be elected at the August primary, by direct vote of the registered and qualified voters of each political party in said county, as many delegates in each township, ward or precinct, as the case may be, as such political party in such township, ward or precinct shall be entitled to by the call issued by the county committee of such political party for the county convention thereafter to be held by such political party within said county in that year for the purpose of electing delegates to the State convention called for the purpose of nominating candidates for State offices, to be voted for at the November election. In case of any vacancy in any delegation from any election precinct, township or ward, to the county convention, such vacancy shall be filled by the delegates present from the ward or township in which the vacancy occurs. The State central committee of each political party shall, at least thirty days before the August primary herein provided for, cause to be forwarded by mail to the chairman of the county committee of such party a copy of the call for the State convention showing the number of delegates to which such county shall be entitled

in the State convention of such party; and the said State central committee shall apportion such delegates to the several counties in proportion and according to the number of votes cast for the candidate of such party for secretary of state in each of said counties respectively at the last preceding November election. The name of the candidate for delegate to the county convention shall not be printed upon the official primary election ballot, but one or more such names may be placed on such ballot by printed slips pasted thereon by the voter, or the names may be written in. The county committee shall in its call for the county convention indicate whether delegates are to be selected by precincts or by wards. In cities having no wards or only one ward the delegates, to which such cities are entitled, shall be elected from the entire city, or by election precincts as the county committee in its call for the county convention shall indicate. The chairman of the township, ward or city committee, as the case may be, shall notify by mail each person elected as a delegate to the county convention of his party.

Name of candidate for delegate not to appear on ballot.

How selected.

In cities of no wards or only one.

County delegates to be notified by mail.

Am. Id.

§ 3528. SEC. 19. It shall be the duty of the board of election commissioners of each county in this State to prepare and furnish the necessary official primary election ballots except for city offices which may be required for use by the voters of any political party at the August primary: Provided, That the provisions of the general election law shall apply to the primary elections with respect to giving of notice of registration and election, places of holding such elections, the contracting, printing, furnishing and distribution of ballots, tally sheets, pencils, ballot boxes and other equipment. Such ballots shall contain the instructions as to the method of voting. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast or counted in any election precinct, at any such primary election. The size of all official ballots shall be such as the board of election commissioners shall prescribe. It shall be unlawful for the printer of such ballots or any other person to give, or deliver to, or knowingly permit to be taken, any of said ballots by any person other than the board of election commissioners for which such ballots are being printed, or to print or cause or permit to be printed any ballots in any other form than the one prescribed by this act or with any other name thereon, or with the names misspelled, or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners: Provided, That it shall and may be lawful for the chairmen of committees, and candidates named on the official ballot of any political party to procure any number of facsimiles of the official ballot of their political party to be printed on yellow paper and to circulate the same

Board of election commissioners to furnish ballots.

Proviso, general election law.

What to contain.

Size of ballot.

What unlawful for printer to do.

Proviso, instruction ballot.

for the purpose of the instruction of voters; and said colored ballot to have printed at the head the words, "Instruction Primary Ballot."

Am. Id.

What names
to appear
on ballot.

Filing of
proof copies.

Correction of
errors.

Names not
printed on
ballot.

County
delegates.

§ 3529. SEC. 20. The said ballots so prepared by the board of election commissioners in each county for use by the voters of any political party at said primary election, shall include the names of all candidates of said political party for the office of governor, lieutenant governor and United States senator, the names of all candidates of said political party, for district offices, and, in each county, the names of all candidates of said political party for county offices. Proof copies of the ballots so prepared shall be placed on file in the office of the county clerk, at least ten days prior to the primary election, and one proof copy of such ballot shall be sent by registered mail with return receipt demanded to each candidate at his last known address whose name appears upon such ballot. It shall be the duty of the board of election commissioners to correct such errors as may be called to their attention. No candidate shall have his name printed upon any official primary election ballot of any political party in any voting precinct in this State, unless he shall have filed nomination petitions according to the provisions of this act, and all other requirements of this act have been complied with in his behalf. The said ballots shall also contain as many lines as there are delegates to be elected to the county convention by the particular political party. Such lines, upon which may be placed the names of proposed delegates to the county convention, shall be printed under the title "Delegates to county convention," and no ballot for a delegate to a county convention of any political party shall be counted unless prepared and voted under authority of this act.

Am. Id.

County
chairman to
certify
number of
delegates.

Election com-
missioners,
duty of.

§ 3530. SEC. 21. The chairman of the county committee of each political party shall certify to the board of election commissioners at least twenty-five days before the holding of such primary election, the number of delegates to which each election district of said county will be entitled at the county convention of said political party to be held in said county in said year for the purpose of electing delegates to a State convention called for the purpose of nominating party candidates for State offices. It shall be the duty of the board of election commissioners of any city having a population of seventy thousand or more, or of any city having a population of less than seventy thousand, in which the voters have adopted the provisions of this act, to prepare the necessary election ballots for use of the registered and qualified voters of such city. The said city board of election commissioners shall be governed by the same rules as are prescribed for the preparation of ballots by the board of election commis-

sioners of the county. The ballots so prepared by the board of election commissioners of any city shall be separate from any other ballot.

§ 3531. SEC. 22. The number of ballots to be printed for the use of the voters of any political party at any primary election in any election precinct shall be not less than twenty-five per centum more than the total number of votes cast therein at the last preceding general November election for the candidate of such party for the office of secretary of state: Provided, That if in the case of any political party it shall appear that no person has filed the necessary number of nominating petitions, as required by this act, for nomination as a candidate of said party for any office, then no ballot for the use of said political party at the primary shall be printed. The official primary election ballots shall be on file at the office of the county clerk, or city clerk, as the case may be, for public inspection at least three days prior to distribution for use at the primary election.

Minimum number of ballots.

Proviso, when party ballot not to be printed.

On file for public inspection.

Am. 1919, Act 400.

§ 3532. SEC. 23. It shall be the duty of the secretary of state to cause to be printed pamphlet copies of this act and to furnish to the county clerk of each county and to the city clerk of any city nominating under the provisions of this act, a sufficient number of copies thereof to enable said clerks to furnish at least two copies to each board of primary election inspectors in the particular city or county at the same time that other supplies for an election are furnished.

Pamphlet copies of act to be printed, etc.

§ 3533. SEC. 24. The official primary election ballots shall be prepared in the following form: At the top of each ballot shall be printed in large type, "Official primary election ballot." Underneath such heading shall be printed the date of the election at which the ballot is to be used, together with a designation of the political subdivision, as county, district, city, ward et cetera, in which it is to be used. Then shall follow in bold faced type, the name of the political party and vignette, below which shall appear the following instruction to voters: Make a cross in the square to the left of as many names for each office as may be indicated under the title of such office. Under this heading shall appear the names of the candidates seeking nomination for various offices on the ticket of the political party. The order of the offices on the ballot shall be the same, as near as may be, as is required by law in making up the ballot used at general elections. The title of the office shall be immediately above the names of the candidate or candidates for the nomination for such office, and under such title the words "Vote for," followed by the word "one" or "two" or such other word as will designate the number of candidates for the nomination to such office that may be voted for. The names of the different candidates shall be separated from each other by a light-faced rule with a square at the left of each name. The spaces

Official primary ballot, how prepared.

Ballots to be numbered.

Separate ballots for parties.

Alternation of names.

Position of names changed.

How piled.

To be numbered consecutively.

Sealed and distributed.

devoted to the candidates for nomination to different offices shall be separated by a black-faced rule so as to separate each office division distinctly. The ballots for each election district shall be numbered consecutively in the manner provided by the general election law. All names of candidates of each political party shall be printed on a separate ballot and said ballot may be in one or more columns as may be determined by the board of election commissioners preparing the same. If two or more columns are used on the ballot, the columns shall be separated by a black line not less than one-twelfth of an inch in width. The names under the heading designating each official position, where there are more names than there are candidates to be nominated for such office, shall be alternated on the ballot of each party casting not less than ten per centum of the total vote cast in the county or other political subdivision at the preceding November election for the office of secretary of state. Said names shall be printed on the ballot in the following manner:

The forms shall be set up with the names of the candidates arranged alphabetically according to surnames. In printing each set of ballots for the several election precincts, the relative positions of the different names printed in each division shall be changed as many times as there are candidates in that division having the most names. As nearly as possible an equal number of tickets shall be printed for each change. In making the changes of position, the printers shall take the line of type at the head of each office division and place it at the bottom of the division and shove up the column so that the name that before was second shall be first after the change. After the ballots are printed and before they are trimmed, they shall be kept in separate piles, one pile for each change in position, and shall then be piled by taking one ballot from each pile and placing it upon the pile to be trimmed in such manner that each alternative ballot shall have the names in a different relative position. Thereupon, the ballots shall be numbered consecutively on the upper right hand corner upon the front of the ballot with a perforated line across said corner and underneath said number so that said corner with the number thereon may be torn off. After the ballots shall be trimmed and done up in sealed packages, they shall be distributed for use at the primary election in the same manner as is now provided by law for the distribution of ballots to be used at general elections. Ballots shall be prepared in substantially the following form:

No.....

OFFICIAL PRIMARY ELECTION BALLOT.

Primary election to be held 19...., in the Town-
ship of County of, or District
of the ward of the City of.....
.....Party.

(Vignette)

Make a cross in the square to the left of as many names for each office
as may be indicated under the title of each office.

NATIONAL.	LEGISLATIVE.
United States Senator.	State Senator.
Vote for one.District. Vote for one.
<input type="checkbox"/> JOHN DOE.	<input type="checkbox"/> JOHN DOE.
<input type="checkbox"/> RICHARD ROE.	<input type="checkbox"/> RICHARD ROE.
<input type="checkbox"/>	<input type="checkbox"/>
STATE.	Representative in State Legislature.
Governor.District. Vote for one.
Vote for one.	
<input type="checkbox"/> JOHN DOE.	<input type="checkbox"/> JOHN DOE.
<input type="checkbox"/> RICHARD ROE.	<input type="checkbox"/> RICHARD ROE.
<input type="checkbox"/>	<input type="checkbox"/>
CONGRESSIONAL.	COUNTY.
Representative in Congress.	Judge of Probate.
.....District. Vote for one.	Vote for one.
<input type="checkbox"/> JOHN DOE.	<input type="checkbox"/> JOHN DOE.
<input type="checkbox"/> RICHARD ROE.	<input type="checkbox"/> RICHARD ROE
<input type="checkbox"/>	<input type="checkbox"/>

Some showing or evidence of a candidate's right to appear on the official ballot should be in the hands of the boards of election commissioners to warrant the board in causing the name of the candidate to be placed thereon.—Brown v. Kent Co. Elec. Com'rs, 174 / 477.

Signatures
required for
certain
officers.

§ 3534. SEC. 25. To obtain the printing of the name of any candidate of any political party for United States senator or for governor or lieutenant governor under the particular party heading upon the official ballots for any primary election held in this State, pursuant to the provisions of this act, there shall be filed with the secretary of state nomination petitions, signed by a number of registered and qualified voters residing in this State, equal to not less than two per centum nor more than four per centum of the number of votes that such party cast for secretary of state at the last preceding November election.

District
officers.

§ 3535. SEC. 26. To obtain the printing of the name of any candidate of any political party for any district office under the particular party heading upon the primary election ballots in the various voting precincts of the district when such district is comprised of one county or less, there shall be filed with the county clerk of such county, nomination petitions, signed by a number of registered and qualified voters equal to not less than two per centum nor more than four per centum of the number of votes that said party cast therein for secretary of state at the last preceding November election and in the case of a district office, in a district comprising more than one county, to obtain the printing of the name of any candidate of any political party under the particular party heading upon the primary election ballots in the various voting precincts of said district, there shall be filed with the secretary of state, nomination petitions, signed by a number of the registered and qualified voters residing in such district equal to not less than two per centum nor more than four per centum of the number of votes that the party cast therein for secretary of state at the last preceding November election: Provided, That when there are two or more candidates for representative in the State legislature to be nominated by each political party in a single representative district, to obtain the printing of the name of any candidate of any political party under the particular party heading upon the primary election ballots in the various voting precincts of such district, there shall be filed, with the county clerk of the county of which such district forms a part, nomination petitions signed by a number of registered and qualified voters residing in such district, equal to not less than one per centum nor more than four per centum of the number of votes that the party cast in such district for secretary of state at the last preceding November election, divided by the number of representatives to which such district is entitled in the State legislature.

Proviso.

County
officers.

§ 3536. SEC. 27. To obtain the printing of the name of any candidate of any political party for a county office under the particular party heading upon the official primary election ballots in the various voting precincts of a county, there shall be filed with the county clerk of said county nomina-

tion petitions signed by a number of registered and qualified voters, who reside in the county, equal to not less than two per centum nor more than four per centum of the number of votes that such political party cast in such county for secretary of state at the last preceding November election. To obtain the printing of the name of any candidate of any political party for a city office including all ward offices under the particular party heading on the official primary election ballots for use in such city, there shall be filed with the city clerk of such city such nomination petitions signed by a number of registered and qualified voters of such political party and who reside in such city, equal to not less than two per centum nor more than four per centum of the number of votes that such political party cast therein for secretary of state at the last preceding November election. All said nomination petitions may be signed by registered and qualified voters residing in any part of a ward for a ward office, in any part of a city for a general city office, or any part of a county for a county office, or any part of a district for a district office, or any part of the State for a State office: Provided, That in cities or counties of two hundred fifty thousand population or more, in lieu of the above petition, a petition therefor, signed by the candidate, which shall state the name of the candidate, his residence, street, house number and the political party of which he is a member, and the office sought, may be filed with the clerk of the county or city where said candidate resides, as herein provided. Such candidate shall at the time pay to the clerk of the city or county, as the case may be, a sum of money equal to one-half of one per centum of the salary and fees of the preceding year of such office, the amount thereof to be ascertained or estimated as nearly as may be by such clerk; and upon complying with the above provisions such candidate's name shall be printed upon the primary ballot, if otherwise qualified.

City officers.

Who may sign.

Proviso.

§ 3537. SEC. 28. To obtain the printing of the name of any candidate of a new political party for United States senator, governor or lieutenant governor under the particular party heading on the official primary election ballots in the various voting precincts of this State, nomination petitions signed by at least three thousand registered and qualified voters residing in the State, shall be filed with the secretary of state. To obtain the printing of the name of any candidate of a new political party for a district, county or city office, under the particular party heading on the official primary election ballots in the various voting precincts of such district, county or city, as the case may be, such candidate shall file nomination petitions with the secretary of state, county clerk or city clerk, as the case may be, signed by at least one hundred registered and qualified electors residing

United States senator, etc.

New party candidates.

Proviso.

in such district, county or city: Provided, That any qualified and registered elector who resides in the particular district, county or city as the case may be, may sign the nomination petition of any candidate representing a new political party.

Form of petition.

§ 3538. SEC. 29. All nomination petitions shall be in the following form:

We, the undersigned registered and qualified voters affiliated with theparty and residents of the city of....., or the township of in the county of and State of Michigan, hereby nominate....., who resides at No.street, city of , or in the township of , in the county of....., as a candidate of the party for the office of....., to be voted for at the primary election to be held on the , day of , as representing the principles of said party.

.....
Name. Residence. Street number (in cities having street Nos.) Date of signing.

Voter may sign only one nominating petition.

§ 3539. SEC. 30. It shall be unlawful for any registered and qualified voter to sign more than one such nominating petition for the same office except where there are two or more candidates to be nominated for the same office, when he may sign as many petitions as there are persons to be elected to such office. The same rule shall apply to qualified electors in the signing of petitions of candidates of a new political party. It shall be unlawful for any candidate to wilfully and intentionally procure more names upon nomination petitions than the maximum number prescribed in this act. The various county clerks and city clerks shall prepare and keep on hand blank forms of nomination petitions for the use of the voters and candidates in said city or county. Nothing herein contained shall be construed to prohibit any candidate from having his own nomination petitions printed, but they must comply substantially with the above form. All such nomination petitions shall be open to public inspection and subject to examination after being filed in the office of the secretary of state, county clerk, or city clerk, in accordance with such reasonable rules and regulations as may be prescribed by such officers. The various officers named herein shall keep a public record of the nomination petitions filed in a book for that purpose, which record shall indicate the names of the candidates, the offices sought, and the dates when such nomination petitions were filed. All nominating petitions filed under the provisions of this act shall be preserved by the secretary of state, county clerk or city clerk, as the case may be, for a period of one year following the primary election for

Unlawful to procure more than maximum number.

Blank forms.

Candidates may print own petitions.

Open for public inspection.

Record of petitions.

Time to be kept on file.

which the same were filed. At the expiration of that period the secretary of state, county clerk or city clerk, as the case may be, shall return the petitions to the candidates named therein who request their return, and he shall destroy by mutilation all petitions for the return of which he has not received any request. In the record of nominating petitions, the various officers keeping such record shall cause entries to be made, stating the final disposition of each candidate's petitions.

Final disposition of petitions.

Am. 1919, Act 400.

SEC. 30a. The name of no candidate for any office, shall be printed on any primary election ballot, unless there shall be filed with the official with whom such petition is filed, an affidavit properly executed by such candidate, stating that he is a member of a certain political party, naming it, and that he will support the principles of that political party of which he is a member, if nominated and elected; that he is not, and will not become a candidate for the same or any other office on any other party ticket at said primary election. His name shall be printed only on the party ballot of which he is a member as shown by his affidavit. The said affidavit shall be in substantially the following form:

Candidate must file affidavit giving party affiliation.

Name to appear on one ballot only.

Form of affidavit.

State of Michigan,—County of.....—ss.
..... of the of
.....county of....., State of
Michigan, personally appeared before me.....in and
for said county, who being first duly sworn, deposes and says,
that he is a candidate for the office of.....of
the.....party at the primary election
to be held on the.....day of September, A. D. 191...;
that he is a member of said party and if nominated and elected
will support the principles of said party; that he is
not a candidate for the same office or any other office, on any
other party ticket at said primary election, and will not
become such at the said primary election, nor at the regular
election next to follow thereafter.

.....
Subscribed and sworn to before me this.....day of
....., A D. 191...
.....
Notary public.....County of Mich.
My commission expires.....

Added 1919, Act 400.

SEC. 30b. Should any such person become a candidate on any party ticket other than the party to which he belongs, as shown by his affidavit, for the same office, or for any other office at the following primary election, his nomination on any

When nomination void.

In case candidate nominated on more than one ticket, etc.

Five days in which to decide.

Petitions, filing of.

Candidates, list of.

Proviso.

Certification.

Deficient petitions.

ticket shall be void and his name shall not thereafter be printed on the ballot at the regular election following. Should he be nominated on any other party ticket for the office for which he is a candidate, or for any other office, by having his name written in or by pasting on slips, the nomination on such party ticket only shall be void. Should a candidate be nominated on more than one party ticket by having his name written in or by the use of slips, at an election at which he was not a candidate for any office on any party ticket by reason of having filed a petition and affidavit, he shall elect within five days after the official canvass upon which ballot he wishes his name to appear, and unless such election is made, his name shall not appear on either ballot.

Added Id.

§ 3540. SEC. 31. The secretary of state and the various county clerks and the city clerks of cities in which city officers are to be elected at the November election shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the thirty-first day before the August primary, and in counties, districts and cities where district and local officers are elected at a time other than the November election, the county and city clerk thereof or the secretary of state shall receive nomination petitions filed in accordance with the provisions of this act up to four o'clock, standard time, in the afternoon of the twenty-first day before the time designated for holding a primary election in such district, county or city. The secretary of state, or county or city clerk shall forthwith prepare and publicly expose in his office a list of the candidates for offices named in the nomination petitions filed in his office, as near as may be, as they will appear upon the official primary election ballots: Provided, That if any nomination petitions contain more than the necessary percentage of names hereinbefore referred to, the excess over and above the necessary four per centum shall not be considered nor counted. The said secretary of state, or county or city clerk, shall forthwith, after the last day named herein for receiving and filing nomination petitions, certify to the proper board or boards of election commissioners in such city, county, district or in the State and to the proper county clerk, the names and post office addresses of all party candidates whose petitions meet the requirements of this act, together with the name of the political party and the office for which they are candidates. In case it is determined that the nomination petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary election ballots, it shall be the duty of the secretary of state or county or city clerk to immediately notify such candidate of such fact, together with a statement of the reasons

why his name was not certified to the respective boards of election commissioners.

§ 3541. SEC. 32. All primary elections for the nomination of party candidates for office shall be held by election precincts the same as general elections are held, and the polls thereof shall be kept open in the respective precincts for the same length of time: Provided, That the township board of any township or the legislative body of any city may direct that the polls be held open until eight o'clock p. m., standard time.

How elections to be held.

Proviso, closing hour.

Am. 1919, Act 400.

§ 3542. SEC. 33. Each primary election shall be presided over by a board of primary election inspectors, which board shall be composed of the members of the board of election inspectors provided for under the general election law. The provisions of the general election law relative to the furnishing and distribution of ballots, tally sheets, pencils, ballot boxes, arrangement of booths, initialing of ballots, powers and duties of inspectors, manner of conducting the election, and all other matters shall be applicable hereto except insofar as the provisions thereof may be inconsistent herewith: Provided, however, That the number of persons constituting a board of primary election inspectors and the gate keepers may in the discretion of the township board or common council of cities, be reduced to such a number as may be actually necessary to properly perform the duties thereof and in case the number is reduced said board or common council shall designate who shall act.

Election inspectors.

Proviso.

§ 3543. SEC. 34. After the polls are opened at a primary election, any elector who is legally registered and qualified, shall, before entering the booth, be furnished a ballot. It shall be competent for any registered and qualified voter or primary election inspector present to challenge the right of any one offering to vote, on the ground that he is not a legal voter in that precinct. When the right of any voter to a ballot is challenged he shall be required to take and subscribe an oath that he is a registered and qualified voter. Such oath shall be in the following form:

Challenged voter.

I hereby solemnly swear (or affirm) that I am a resident and registered and qualified elector, and possess the qualifications of a legal voter, in the township of..... or in the precinct of the ward of the city of

Oath.

If the challenged voter takes and subscribes to the above oath he shall then receive the ballot for which he has asked and be entitled to vote it, the same as if his vote had not been challenged; but unless a challenged voter takes and subscribes to the above oath, he shall not be permitted to vote at such primary election. If any person who takes the foregoing oath, swears falsely, he shall upon conviction thereof,

be subject to all the pains and penalties of perjury. The provisions of section three thousand five hundred twenty-two of the compiled laws of eighteen hundred ninety-seven are expressly made applicable hereto. A record shall be kept of any primary ballot cast by any voter whose right to vote has been challenged, in a similar manner to that provided in the general election law.

How ballot
to be voted.

§ 3544. SEC. 35. Each voter after having received his ballot, shall enter a booth and while there concealed from view shall vote such ballot by making a cross in the square at the left of the names of such candidates as he may desire to vote for, but in no case for more candidates for any office than is indicated under the title of such office. He may, however, vote for any person whose name is not printed on the ballot by inserting such name in such manner as shall make it a substitute for any name which is printed thereon or where no candidate's name appears upon the ballot: Provided, That such name substituted is not printed on any other party ballot: Provided further, That no person who is voted for on any party ballot for any State, district, county, city, or ward office, whose name is not printed on such ballot, and who has not filed a nomination petition for the office voted for, shall be deemed nominated as the candidate of such party for such office, nor receive a certificate of nomination unless he shall receive a total vote equal to five per centum of the greatest number of votes cast by such party at such primary in the State, district, county, city, or ward, as the case may be, for any candidate or for all the candidates for nomination for any office for which only one person is to be nominated. The voter shall then fold the ballot so that the perforated corner bearing the number shall be on the outside, and shall present it to the proper member of the board of inspectors who shall tear off the corner bearing the number and shall deposit the ballot in the ballot box. When a duly registered and qualified voter shall ask for a ballot as before provided, the inspector shall enter his name upon the list together with the name of the party the ballot of which is requested, and the number of the ballot given to the voter. The inspector receiving the ballot after the same has been voted shall, before depositing it in the box, ascertain by comparison with such list whether the ballot given to him is the same ballot furnished to the voter, and if it is not the same ballot, he shall reject it and the voter shall not be allowed to vote at such primary election. If any voter shall, after marking his ballot, so expose it to any person as to reveal the name of any candidate voted for thereon, the ballot shall be rejected by the board of election inspectors and the voter shall forfeit the right to vote at the primary election. A note of such occurrence shall be made upon the poll list opposite the name of the voter. Challengers who have been duly appointed shall be allowed to be present with like powers to challenge voters as are provided by law in the case of general elections.

Proviso, on
only one
ballot.
Minimum
number of
votes
required.

Folding of
ballot, etc.

Securing of
ballot.

Depositing of
ballot.

Exposing of
ballot.

Challengers.

§ 3545. SEC. 36. After the closing of the polls on the day of holding any primary election, the ballots shall be counted as provided by law for the counting of the ballots of any regular election. In counting such ballots only those candidates for nomination to office who have a cross made in the square at the left of their names shall be deemed to have been voted for and any ballot upon which more candidates for any office have been voted for than may, by law, be elected to such office shall be rejected as to all names appearing for that office. The required number of electors who received the highest number of votes for delegates to the county convention of any political party shall be declared by the board of primary election inspectors to be elected. Said board shall certify to the county clerk the names of the electors so elected as delegates, naming the political party upon whose ballots such electors were elected. Said board shall also certify to each delegate so elected, his election as such delegate. The county clerk shall certify to the chairman of the county committee of each political party of the county the delegates elected by each political party as delegates to the county convention.

How counted,
etc.

Certification
of delegates.

Am. Id.

§ 3546. SEC. 37. After the votes at any primary election in any election precinct shall have been counted, the officials counting the same shall publicly declare the result, and forthwith make and certify written detailed statements, such as are required by law for general elections, except as hereinafter provided, showing the whole number of votes cast in such election precinct for each candidate voted for on each party ballot, and shall certify, subscribe and seal in a separate envelope such statements and one of the tally sheets, and write thereon the name and number of the election precinct, if any, and deliver such statements and tally sheets to such persons and at such times as are required by law for general elections. As soon as they have completed the counting of the votes of their respective precincts they shall return all the ballots voted to the ballot boxes, and all books, unused ballots, supplies, lists and subscribed oaths shall be safeguarded and returned, as near as may be, in the manner provided for by law governing general elections.

Result, how
declared, etc.

Ballots,
disposal of.

§ 3547. SEC. 38. The returns of said primary election shall be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as is provided by the general law for canvassing the returns and declaring the result in city, county, district and State elections, except that in the case of a primary for the nomination of a candidate for the office of United States senator, governor, or lieutenant governor, or for the nomination of candidates for district offices in districts comprising more than one county, the county clerk of each county affected shall transmit to the secretary of state, within five

Canvassing
of returns.

To be canvassed by board of state canvassers.

Method.

days after the primary election, a certified statement of the number of votes received by each person for nomination as a candidate of any political party for any of the said offices. The secretary of state shall appoint a meeting of the board of state canvassers at his office not later than twenty days after the primary election (which date he shall forthwith certify to the chairman of the State central committee of each political party,) for the purpose of canvassing the returns and declaring the result of the primary for the nomination of the candidates for such offices. The said board shall proceed in the same manner in canvassing the returns and in certifying, recording and determining results, etc., of a primary for the nomination of candidates for United States senator and governor and lieutenant governor as is done in canvassing the returns in the case of the election of State officials. In canvassing the returns of a primary for the nomination of candidates for the offices of representative in congress, State senator and representative in the legislature, in districts composed of more than one county, said board shall proceed in like manner as is done in canvassing the returns in case of the election of representatives in congress.

Am. 1919, Act 400.

Withey v. Board of State Canvassers, 194 / 564.

Who to be declared nominee.

§ 3548. SEC. 39. The candidate of each political party for nomination for any office who receives the greatest number of votes cast for candidates for any such office as set forth in the returns or as determined by the board of canvassers on the recount by it of said ballots, shall be declared the nominee of that political party for said office at the next ensuing November election, or at the next city election, or at the next election for United States senator, as the case may be, and the board of canvassers shall forthwith certify such nominations to the respective boards of election commissioners affected thereby.

Am. Id.

Certification of nominations.

Irregularities.

§ 3549. SEC. 40. Any candidate voted for at any primary election provided for in this act, who conceives himself aggrieved on account of fraud or error by the board of primary election inspectors, or in the count of the votes cast, or the returns made by said board, may, on or before the close of the day or days upon which the board of city or county canvassers meet, present to and file with the chairman or secretary of the particular board of the county or city in which a recount is asked, a written or printed petition, which shall be sworn to, and shall set forth as near as may be the nature of the errors or fraud complained of, and the particular township, ward or precinct in which the alleged irregularities occurred and ask for a recount of the votes cast therein. Such petitioner shall at the same time deposit with the chairman or secretary of said board the sum of ten dollars for each and

Petitioner to make deposit.

every township or ward, but the whole amount shall not exceed one hundred dollars in any one county, the vote of which he requests to have recounted by said board. When said petition is filed and the amount herein prescribed is deposited, and after giving at least twenty-four hours written notice thereof to the opposing candidate by handing to such candidate a copy of the petition, or if such candidate cannot be found, by leaving such copy at his place of residence, with some person of suitable age, if such person can be found, and if not by posting it in some conspicuous place upon his last known place of residence. It shall be the duty of said board of canvassers to investigate the facts set forth in said petition and to cause the ballot boxes used in such election in such township or ward to be brought before it. The said board shall thereupon, in some public place where the interested candidates and their counsel may be present, if they so desire, proceed forthwith to open the ballot boxes from such townships or wards and to make a recount thereof as to such candidates, and make a correct and complete return in writing showing the full number of votes cast and the names of the candidates and the number of votes given to each. When the recount of each box is completed the said board shall at once return the ballots thereto, carefully lock and seal same in the manner provided by law for the locking and sealing of ballot boxes, and deliver the ballot boxes to the officer having the care and custody thereof. The returns made by the said board of canvassers upon such recount shall be deemed to be correct, anything in the previous return from such township, ward or precinct, to the contrary notwithstanding. In all cases where, by reason of such recount or recounts, the petitioner succeeds in establishing frauds or mistakes sufficient that the total changes made thereby in the territory from which he is to be nominated shall result in his nomination, the money deposited by him with each of such boards shall be refunded; otherwise it shall be turned into the treasury of the county or city, as the case may be. If two or more candidates of the same political party be tied for the same office, the tie shall be determined by lot to be cast then and there, as the canvassing board may direct.

Notice to
opponent.

Canvassers,
board of,
when to
open ballot
boxes.

Returns,
when deemed
correct.

Tie vote.

§ 3550. SEC. 41. The several boards of election commissioners shall cause to be printed upon the official election ballots to be used at the November or April election, or at the city election, as the case may be, the names of the candidates for office selected under the provisions of this act: Provided, That when any candidate shall die or shall withdraw as such candidate before the printing of the ballots, after having been nominated as herein provided, the proper board of election commissioners shall cause to be printed or placed upon such ballot in place of the name of such candidate or to fill such vacancy, the name of the candidate which shall be selected by the proper party committee as shown by the cer-

Printing of
names on
ballot.

Proviso,
vacancy.

tificate of its chairman and secretary, in the manner provided for in the general election law; and for this purpose, in a county comprising a single representative or senatorial or congressional district, the county committee of each political party of each such county shall constitute the representative or senatorial or congressional committee of said political party for such representative or senatorial or congressional district, as the case may be; and in a county comprising more than one representative or senatorial or congressional district the members of the county committee of each political party, residing in each such representative, senatorial or congressional district of such county, shall constitute a committee of said political party for such representative or senatorial or congressional district, as the case may be, and such committee shall elect its chairman and other officers; and in representative or senatorial or congressional or judicial districts comprised of more than one county, the county committee provided for in this act, of each political party of each county of such representative or senatorial or congressional or judicial district, or the members of the county committee representing that portion of any county forming part of such representative or senatorial or congressional or judicial district, as the case may be, shall elect one or more electors of said political party, residing within the district that he is to represent, as a member of the committee of such political party for such district: Provided, That the party nominee or nominees, if more than one from the same district, shall have the privilege, if he or they so elect, of naming the committee of the political party for the district from which he or they have been nominated. Such committee shall elect a chairman and other officers of which the chairman shall have a vote on all questions. The candidates for county offices nominated at each August primary of each political party shall within ten days after the said primary election, meet at a time and place to be fixed by the then chairman of the county committee and elect a chairman and secretary of the county committee who shall hold such position for a period of two years and until their successors are selected. When such death or withdrawal shall occur subsequent to the printing of the official ballots, it shall be the duty of said board of election commissioners, if time permits, to forward the various election inspectors' slips containing the name of the candidate entitled to fill the vacancy caused by such death, or withdrawal slips shall be pasted in the proper place upon the official ballot by the board of election inspectors. If in any case a person is nominated for any office by more than one political party, it shall be his duty to elect within five days after the official canvass of the returns of said primary election upon which ticket he wishes his name to appear, and unless such election is made such candidate's name shall not be

Proviso.

Chairman,
etc., of county
committee.

printed on any ballot: Provided, That in case of the death or withdrawal of any candidate as hereinbefore mentioned, or in case a candidate is nominated for any office by more than one political party, and such vacancy shall not be filled by the proper committee within five days from the time of its occurrence, the board of election commissioners shall print on said official ballot, in place of the candidate who has died, withdrawn or elected to have his name appear upon another party ticket, the name of the person who received the next highest vote at the primary for that office on such party ticket: Provided further, That it shall be unlawful for any board of election commissioners to print on any official election ballot prepared for the use of voters at any election the name of any candidate required by this act to be nominated by primary election, unless such candidate was selected under authority of this act and this prohibition shall operate against any candidate selected in any mass convention or by any so-called independent voters at any caucus or convention. The candidates for city offices, in cities having a population of less than seventy thousand, the voters of which have not adopted the provisions of this act, shall be nominated in convention and the names of such candidates certified to the proper board of election commissioners and placed upon the official ballots in the manner provided for by existing law.

Proviso.

Further proviso.

§ 3551. SEC. 42. The county conventions of all political parties for the election of delegates to a State convention for the nomination of State officers in the even numbered years, shall be held within fifteen days after the August primaries. All such county conventions of any one political party shall be held on the same day throughout the State, which day shall be designated by the State central committee of such political party in its call for the State convention to nominate candidates for State offices. The time and place of meeting of such county convention shall be designated in the call issued therefor by the respective county committees of such political party. The number of delegates to which such political party in such county is entitled shall be chosen at such county convention.

County conventions, when and where held.

Number of delegates.

Am. 1919, Act 400.

§ 3552. SEC. 43. The State convention of all political parties for the nomination of candidates for State offices in the even numbered years shall be held within forty days after the August primary but not less than ten days after the day appointed for the meeting of the board of State canvassers for the purpose of canvassing the primary election returns mentioned in this act. The particular day and the time and place of meeting shall be designated by the State central committees of the various political parties in the calls for said State conventions, which calls shall be issued at least thirty days prior to the August primaries.

State convention, when and where held.

Am. Id.

When
certain
cities desire
to adopt
primary or
resubmit.

Proviso,
where direct
voting
required.

All primary
elections
governed
by this act.

Misde-
meanors,
what
deemed.

§ 3553. SEC. 44. Whenever the voters of any city of less than seventy thousand population shall decide to select party candidates pursuant to the provisions of this act, the petitions for submission or resubmission of the question itself, the nomination of candidates, the printing of ballots, the conducting of the primary, and any other provisions for city nominations shall be governed, insofar as applicable, by the provisions of this act relative to the nomination of party candidates for district offices: Provided, That in any city of more than seventy thousand population the nomination of candidates for city offices by all parties shall be by direct vote, and in cities of less than seventy thousand population where any political party is now nominating its candidates for city offices by the direct voting system provided for in this act or some former act, every political party in such city shall hereafter so nominate its candidates, unless the qualified voters of such city shall decide otherwise, according to the provisions of this act. The primary election in cities having adopted the direct voting system for the nomination of candidates for city offices to be voted for on the first Monday of April provided for in this act shall be held on the first Wednesday of March preceding such April election. All primary elections held in this State shall be governed by and conducted in accordance with the provisions of this act.

§ 3554. SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers, or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this State; every person who by any means receives, agrees or contracts for any money, gift, fee, loan or valuable consideration, office, place, appointment or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or for inducing, or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts or things forbidden by this act, or on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, or who after any primary election in this State, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from

voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner of for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; also every person who in behalf of any firm, partnership, association or corporation, gives, lends or receives, or agrees to give, lend or receive, or offers or promises any money or valuable consideration, place, position or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court. Penalty.

§ 3555. SEC. 46. Any person who shall, while the polls are open, at any polling place on any primary day, solicit votes in the said polling place, or within one hundred feet thereof; any person who shall offer or give to any other person any intoxicating liquors, or drink any intoxicating liquors within any such polling place; any person who shall violate any of the requirements or provisions of this act for which a penalty is not herein otherwise provided; any person who shall refuse or neglect to perform any duty enjoined upon him thereby; and any member of any primary election board who shall neglect or refuse to comply with any provision of this act upon demand of any elector or police or peace officer so to do, and any person who shall vote or attempt to vote more than once, or in more than one election district at the same primary election, and any person who shall vote at any primary election or attempt to so vote when he is not legally entitled to so vote shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the punishment prescribed in the preceding section, and is hereby made the duty of any police or other peace officer present and having knowledge of any violation of any of the provisions of this section to forthwith institute criminal proceedings for the punishment of such offender. Misdemeanor,
what deemed.

§ 3556. SEC. 47. It shall be unlawful for any candidate for nomination under the provisions of this act, after the date on which he has announced himself a candidate for any office included within the provisions of this act, or after he has filed his petition to have his name placed upon the primary ballot, and before the close of the polls of such primary on primary day, directly or indirectly, by himself or by any other person, to post, pay for posting, or cause to be posted upon or in any building, or upon any tree, post, fence, billboard, tele- Campaign
card, etc.,
unlawful to
post.

graph or telephone pole, vehicle or other object within the territory where he is a candidate, any campaign card, banner, hand bill, poster, lithograph, half-tone engraving, photograph or other likeness of himself, or other advertising matter used, or intended for the purpose of advertising or advancing his candidacy for office.

Idem.

Postal
cards, etc.

§ 3557. SEC. 48. It shall be unlawful for any person, after he has declared himself a candidate for any office included in the provisions of this act or filed his primary petition therefor as herein provided, and before the close of the polls on primary day, for the purpose of promoting his candidacy therefor, or for use in his campaign for such office, directly or indirectly, to print or cause to be printed, pay or cause to be paid for printing, circulate or distribute, or cause to be circulated or distributed, any campaign cards, hand bill, banner, poster or other advertising matter larger than two and one-fourth inches in width by four inches in length, except postal cards and letters, or which contains any lithograph, half-tone engraving, photograph or other likeness of himself, which likeness is larger than one and one-half inches in width by two inches in height, excepting advertisements in newspapers as hereinafter provided, or to publish or cause to be published, pay for publishing, or cause to be paid for publishing, any printed matter whatsoever, or any lithograph, half-tone engraving or other likeness of himself, or any other political advertisement of any kind or nature whatsoever which is intended, published or manufactured for the purpose of promoting or advancing his candidacy for such office, or influencing voters relative to his said candidacy in or upon any magazine, program, bill of fare, ticket for any ball or other entertainment, or upon or in any other substance or publication whatsoever, except in a daily, weekly or monthly newspaper which has been regularly and bona fide published and circulated for at least three months before such advertisement is to be inserted therein. It shall be unlawful for any other person to do or perform for or on behalf of any such candidate or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act made unlawful for such candidate to do.

Money, etc.,
soliciting of.

§ 3558. SEC. 49. It shall be unlawful for any person to solicit from any candidate for nomination for any office included in the provisions hereof, any money or other property. The provisions of this section shall not apply to requests for contributions of money by or to an authorized representative of the political party committee of the organization to which such candidate belongs, and shall not apply to any regular business transaction between any such candidate and any other person, which is not intended for or connected with the securing of votes or the influencing of voters in connection with such nomination.

§ 3559. SEC. 50. It shall be unlawful for any candidate for nomination for any office included in the provisions of this act, or any other person on his behalf, for the purpose of helping his candidacy for such office, directly or indirectly to pay for publishing or cause to be inserted or published in any newspaper any lithograph, half-tone engraving or other likeness of such candidate larger than one and one-half inches in width by two inches in height or any advertisement in which more than ten per centum of the printed matter is printed in a larger type than the regular type used in printing the editorials of such newspaper, excepting therefrom the name of such candidate and the title of the office for which he is a candidate, and no such candidate shall pay for, or, directly or indirectly, cause any advertisement or any likeness of himself to be inserted or published in any such newspaper which charges or demands from him a higher rate therefor than the highest regular rate which such newspaper charges other persons or firms for non-political advertisements for the same space, position and number of insertions, and all candidates shall exercise reasonable diligence to ascertain what such regular advertising rate is before inserting any such advertisement, and if he shall be misinformed as to such rate he shall not be held responsible under the provisions of this act for such illegal publication. It shall be unlawful for any person, firm or corporation or employe thereof, soliciting or receiving any such advertisements or printed matter for any such newspaper from any such candidate, to misinform any such candidate as to such advertising rates.

Lithograph,
etc., unlawful
to publish.

§ 3560. SEC. 51. It shall be unlawful for any candidate for nomination under the provisions of this act, after he has announced himself as a candidate for any office included in this act, or after he has filed his petition to have his name placed upon the primary ballot as herein provided, and before the close of the polls on any primary day, in any store, saloon, hotel, hall or other public building, public street or place within the territory from which he seeks a nomination, directly or indirectly to buy or give to, or cause to be bought for, or given to, any elector residing therein any spirituous, malt, brewed, fermented or other intoxicating liquor or beverage. It shall be unlawful for any person for or on behalf of any such candidate, or to help or injure the candidacy of any candidate, in any of the places included in this section, to buy for, give to, or cause to be bought for or given to any elector, any of the liquors or beverages included in this section for the purpose of influencing the vote or support of such elector for or against any such candidate, or when it is announced or made known in any way to any such elector before or after such beverage is served that the same are given or served for the purpose of assisting or injuring the candidacy of any candidate, or influencing the action of such elector in relation thereto, it being the intent of this section

Treating
unlawful.

to prohibit the prevailing custom of treating by candidates for nomination for public office or by any other person on behalf of such candidates.

Misdemeanor. § 3561. SEC. 52. Any person who shall do or perform any act or thing which is by this act made unlawful for him to do, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment not exceeding six months, or both, in the discretion of the court.

Penalty. § 3562. SEC. 53. When by this act any act or duty is required to be done or performed by or under the direction, supervision or authority of any officer, and such act or duty shall not be done or performed, then the officer who shall neglect to perform such act or duty, or who shall be responsible for such neglect, shall be guilty of a misdemeanor and shall be punished as provided in section fifty-two hereof.

Am. 1919, Act 400.

Prosecution. § 3563. SEC. 54. No prosecution for any offense mentioned in this act shall be maintained unless it shall be commenced within six months after the date of the primary election in connection with which the offense is alleged to have been committed. Neither the complaining witness, nor any other person who may be called to testify in behalf of the people in any such proceeding, shall be liable to criminal prosecution under this act for any offense in respect to which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Certain sections of act posted. § 3564. SEC. 55. It shall be the duty of the county clerk of each county to cause to be printed large cards or posters containing verbatim the whole of sections thirty-four and forty-six of this act, and shall furnish two of the same to the board of primary election inspectors of each election precinct in his county at the same time that the official ballots for use at primary elections are delivered, and the board of primary election inspectors shall cause the said posters to be posted in conspicuous places in the polling places so that the same can be plainly seen and read by all persons at any primary election. It shall be the duty of the clerk of any city, township or village in which this act is operative to deliver to the board of primary election inspectors of each election precinct within his jurisdiction, before the time for opening of the polls on primary election day, the register of electors and the blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act not herein otherwise provided for.

Duty of clerk, etc.

Election day, what deemed. § 3565. SEC. 56. The day on which any primary election shall be held pursuant to the provisions of this act, shall be deemed to be an election day in any city, county or district where such primary election is held within the meaning of

section seventeen of act number three hundred thirteen of the public acts of eighteen hundred eighty-seven, entitled "An act to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving or delivering spirituous and intoxicating liquors, and malt, brewed or fermented liquors, and vinous liquors in this State, and to repeal all acts and parts of acts inconsistent with the provisions of this act:" Provided, That such primary election day shall not be deemed an election day or a holiday for any purpose except as indicated in this section. **Proviso.**

§ 3566. SEC. 57. Act number four of the public acts of the extra session of nineteen hundred seven, entitled "An act relative to the nomination of party candidates for public office and delegates to political conventions, to regulate primary elections and to prescribe penalties for violations of its provisions," and all local primary election acts or other acts contravening the provisions of this act are hereby repealed. **Acts repealed.**

ABSENT VOTERS.

AN ACT to provide a method of voting at any general, special or primary election by electors in the actual military service of the United States or of this State, or in the army and navy thereof, in time of war, insurrection or rebellion, by members of the legislature while in attendance at any session of the legislature, by students while in attendance at any institution of learning, and by commercial travelers absent from their place of residence upon the day of any general, special or primary election; to provide for the time of holding primary elections, caucuses or conventions for the nominations of candidates; to provide the time for printing official ballots and to repeal all acts or parts of acts inconsistent herewith.

[Act 270, P. A. 1915.]

The People of the State of Michigan enact:

§ 3794. SECTION 1. For the purposes of this act the term "absent voter" shall be taken to mean any elector in the actual military service of the United States or of this State, or in the army or navy thereof, in time of war, insurrection or rebellion, members of the legislature while in attendance at any session of the legislature, students while in attendance at any institution of learning, and commercial travelers who are absent from their legal residence upon the day of any general, special or primary election, and who are qualified electors of this State, as contemplated by section one of article three of the constitution. The term "commercial traveler" shall be taken to mean a person engaged in soliciting the sale of goods, by the exhibition of samples, or by catalogue or other device, for the purpose of effecting such sales and taking orders for **Absent voter defined.**

Commercial traveler defined.

goods to be subsequently shipped by his employer; the term "district" as used in this act shall be deemed to mean that section or territory over which the city, village or township clerk has jurisdiction.

Insofar as voting at elections by absent voters is concerned, the provisions of the general election code are controlling and have superseded this act. The title of the code, however, contains no reference to primary elections and for that reason it is thought that the provisions of the code with reference to absent voters are inapplicable to primary elections. Act 270, P. A. 1915, is therefore retained in this compilation and should be observed in connection with the operation of the primary election law.

How absent voter may vote.

§ 3795. SEC. 2. Any absent voter, as defined by section one of this act, who will be entitled to vote on election day, who is absent from the county of which he is an elector, on the day of holding any general, special or primary election, held for the purpose of nominating or electing national, State, legislative, county, township, city, village or other municipal officers, or for the adoption or rejection of constitutional amendments or initiated or referred measures, or other propositions submitted, may vote at any such election as hereinafter provided.

Application to clerk.

§ 3796. SEC. 3. At any time within thirty days next preceding such election, any of the aforesaid voters expecting to be absent on the day of such election from the county in which his voting precinct is situated, may make application to the township, city or village clerk of his district either in person or by mail, upon a blank to be furnished by the county clerk to the various township, city or village clerks for that purpose, for the official ballot or ballots to be voted at such election. Such application blank shall upon request therefor, be sent by such township, city or village clerk to said absent voter by mail or shall be delivered to said voter upon application made personally at the office of such township, city or village clerk. Such application blank shall be in substantially the following form, and shall be signed and sworn to by the applicant before some officer authorized to administer oaths:

Form of blank.

Application for absent voter's ballot for the election to be held on, 19...

I,, a duly qualified elector of the precinct of the township of, or village of, or of the precinct of theward of the city of, in the county of, and State of Michigan, and a expecting to be absent from the said

(Give occupation.)

county on the day for holding such election, hereby make application for an official ballot, or ballots, to be voted by me at such election. I request an official ballot of party.

(To be filled in for primary elections only.)

Date Send absent voter ballot to
Signature of applicant..... } Postoffice
Home address of applicant..... } Street address, if any.....

§ 3797. SEC. 4. Upon receipt of such application blank, it shall be the duty of the township, village or city clerk to file the same in his office and to enter the name of said voter, together with the address to which such ballot or ballots are to be sent, upon a list to be kept by such clerk for such purpose, together with the date of receiving the same, the date of mailing the ballot or ballots to such voter, the date of receiving the ballot from such voter, and such other information as may seem necessary or advisable. The clerk shall keep a separate list or record for each voting precinct in his district. As soon as the ballots are printed the said clerk shall mail one each of the ballots to be voted as hereinafter prescribed to said absent voter, provided he be properly registered or enrolled, or will be a qualified elector at the coming election, at the address named, and the said voter shall return the same to said clerk so that it can be delivered by him into the hands of the board of election inspectors of such elector's precinct before the closing of the polls on election day.

Clerk to file
and enter
application.

Separate
records for
precincts.

Clerk to mail
ballot.

Return
of ballot.

§ 3798. SEC. 5. The ballots required for any general, special or primary election shall be delivered to the county clerk at the earliest possible time after the approval of the proof thereof, and at least twelve days before election. The county clerk shall immediately deliver to each of the township, village or city clerks, and in two separate packages, the number of official ballots to which such township, village or city is entitled by law. Twenty-five per cent of the total number of ballots to which the various townships, villages or cities are entitled, together with such additional number as the county clerk may deem to be necessary upon a proper showing by the respective township, village or city clerks beginning with ballot number one, and including the consecutive numbers thereafter, shall be enclosed in one package, as many as are necessary thereof to be used for absent voters as herein provided. The remainder of such ballots shall be enclosed in a second package, sealed as now required by law, and shall be kept intact by the various township, village or city clerks in some safe and secure place with a seal thereon unbroken until election day, as now required: Provided, That any township, village or city, or other elections where the ballots are not printed by the order of or delivered to the county clerk, such ballots shall be ordered printed as now provided by law, except as to time, and placed in the hands of such township, village or city clerks at least twelve days before election, and the same per centum of such ballots shall be retained separately by such clerk as is above provided for the use of absent voters when delivered by the county clerk.

When ballots
delivered
to clerk.

Delivery to
township,
etc., clerks.

First package.

Second
package.

Proviso,
printing
of ballots.

§ 3799. SEC. 6. The city, township or village clerk, as the case may be, shall enclose with each ballot sent to absent voters separate printed instructions to be furnished by the county clerk containing the following: Upon receipt of this ballot you will proceed to mark the same in accordance with

Instructions
with ballots
for absent
voters.

the instructions enclosed, then fold the same so that the corner bearing the initials of the township, village or city clerk may be seen without unfolding the ballot. Place the ballot in the envelope enclosed herewith and securely seal the same. Make out the affidavit printed upon the back and swear to the same before a notary public, or other person authorized to administer oaths, place the necessary postage upon the envelope and deposit the same in the postoffice or in some government receptacle provided for the deposit of mail matter. This ballot to be valid, must be mailed so that it will reach the township, village or city clerk in which your precinct is located, in time to be deposited by him with the proper election board before the closing of the polls on election day.

Township,
etc., clerk to
initial ballots.

To forward
ballots.

To enclose
addressed
envelope.

Form of
affidavit.

§ 3800. SEC. 7. Upon receipt of the ballots herein provided for it shall be the duty of the said township, village or city clerk to initial a sufficient number of the same, in the same manner as is provided by law for the initialing of ballots by the inspectors of election, and to forward one of such ballots, or if there be more than one ballot to be voted, then one of each of such ballots, to each applicant for the same from said clerk's district as shown by the list provided for in section four of this act, using due care that the same be mailed postage prepaid, at least ten days before the opening of the polls on election day. He shall enclose with such ballot an envelope which shall bear upon the front thereof the name, official title and postoffice address of such township, village or city clerk, together with a request for return if not called for within three days, and upon the other side a printed affidavit in substantially the following form:

State of..... }
County of..... } ss.
I,, do hereby solemnly swear that I am a
resident of the.....precinct of the {township } of.....
theprecinct of the
ward of the city of..... State of Michigan and
entitled to vote in such precinct; that the enclosed ballot was
marked by me personally and enclosed in this envelope and
sealed by me without being exhibited to any other person.

.....
(Signature of absent voter)

Subscribed and sworn to before me, a.....,
in and for.....county, State of....., this
.....day of....., 19....

.....
(Signature of official)

Official title
Commission expires.....

§ 3801. SEC. 8. Upon receipt of such ballot or ballots, the voter to whom the same is addressed shall mark the same in accordance with the printed instructions; shall fold and enclose the same in the envelope provided therefor and after sealing said envelope he shall fill out the affidavit printed on the back thereof and sign and swear to the same before a notary public, or other person authorized to administer oaths, and, after placing thereon the necessary postage, he shall deposit the same in the postoffice or in some government receptacle provided for the deposit of mail matter. The ballot, in order to be valid, must be received by the township, village or city clerk in time for him to deposit the same with the election board in such elector's voting precinct before the closing of the polls on election day.

How ballot
voted.

§ 3802. SEC. 9. Upon receipt of the envelope containing the marked ballots of any absent voter, it shall be the duty of the said clerk to safely keep the same in his office until election day and shall during the hours that the polls are open on election day deliver the same together with the signed application to the election board in such absent voter's precinct.

Clerk to
deliver ballot
to election
board.

§ 3803. SEC. 10. It shall be the duty of the said election board to verify the legality of such vote by a comparison of the signature to the affidavit with that upon the application of such elector, by an examination of the poll lists to see that such voter had not voted in person and is a registered or enrolled voter; by an examination of the affidavit of such voter to see that the same is properly filled out and attested.

Board to
verify
legality
of vote.

§ 3804. SEC. 11. When the said board shall have satisfied themselves that such vote is legal, that the affidavit is sufficient, that the signatures correspond and that such voter has not voted in person in the precinct wherein he resides, they shall proceed to open the absent voter's envelope and take out the ballot or ballots therein contained and, without unfolding the same or permitting the same to be opened or examined, they, or one of them, shall detach the perforated numbered corner and having satisfied themselves that the initials thereon are the initials of the township, village or city clerk, as the case may be, they shall deposit the same in the regular box or boxes provided for that purpose and shall deposit the ballot in the regular ballot box to be counted with the other ballots. They shall also enter upon the proper poll list the fact of such voter having voted at such election by means of an absent voter ballot.

Board to
deposit ballot
in box.

§ 3805. SEC. 12. If upon the examination of the envelope containing an absent voter's ballot or ballots, the affidavit thereon is found to be insufficient, or that the signatures do not correspond, or if, upon examination of the poll list it is discovered that such absent voter has voted in person in the precinct wherein he resides, or if in any way it is determined by such board that such ballot is illegal, then such vote shall not be allowed, but, without opening the absent voter envelope,

To enter
voter's name
on poll list.

When ballot
to be rejected.

Proceeding
upon
rejection.

the board, or some member thereof, shall mark across the face of such envelope "rejected as defective" (or illegal as the case may be), and said envelope and the ballot or ballots contained therein shall be retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

Clerk to
deliver
record, etc.,
to board.

§ 3806. SEC. 13. At the opening of the polls on election day each township, village or city clerk shall deliver his record or records to the proper election board, together with any unused ballots in his possession; such unused ballots shall be the first used by the election board.

Unused
ballots.

Vote of
absent voter
who returns.

§ 3807. SEC. 14. The provisions of this act shall not be construed so as to prohibit any absent voter, returning to his place of residence, from voting in person within his precinct at any general, special or primary election, notwithstanding that he may have made application for an absent voter's ballot and the same may have been mailed by the said clerk: Provided, That such voter has not availed himself of the privileges of an absent voter, as provided by this act, and voted the ballot mailed him by the said clerk, and provided he returns such ballot, if received, to the board by whom it shall be marked "cancelled" and placed in the regular ballot box with other ballots. Any voter so voting in person and by means of an absent voter ballot, or who shall attempt so to vote, shall be deemed guilty of a violation of this act and punished as hereinafter provided.

Proviso,
return of
absent ballot
to board.

Penalty.

When con-
ventions,
primaries,
etc., held.

§ 3808. SEC. 15. All caucuses, conventions or primary elections held for the purpose of nominating candidates for any election shall be held at least twenty days before such election and in sufficient time so that the ballots may be printed and in the hands of the various county, township, village or city clerks, as the case may be, the number of days before election as herein provided notwithstanding any provisions of any law or statutes in contravention thereof, and all acts or parts of acts contravening any of the provisions of this act are hereby repealed.

Penalty.

§ 3809. SEC. 16. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction thereof, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Failure,
neglect or
refusal.

§ 3810. SEC. 17. Failure, neglect or refusal on the part of any official to perform the duties required of him by this act, shall constitute nonfeasance in office and as such shall subject such official to removal from office as is provided by law.

CENTRAL ELECTION COUNTING BOARDS.

AN ACT to provide for the creation of a central election counting board in cities or villages.

[Act 349, P. A. 1919.]

The People of the State of Michigan enact:

SECTION 1. The common council, city commission, or other legislative body of any city or village may, by ordinance or resolution provide for a central election counting board to be appointed in the same manner and receive the same compensation as the inspectors of election in said city.

Appointment
and salary.

SEC. 2. Such ordinance or resolution may provide for the sealing of the ballot boxes in the various precincts of the city at different intervals during the day of election, and the transporting of the same to the place where such central counting board may be located, and other ballot boxes placed at each of the polling places in the place of those taken away.

Change of
ballot boxes.

SEC. 3. All ballots voted at any election held under the provisions of this act shall be sealed in the ballot boxes and transported to the place where the central election counting board shall be located, and there opened by such board.

Disposition
of ballots.

SEC. 4. The election returns of each voting precinct shall be kept separate, and the returns thereon made by the central election counting board in the same manner as though they were made by the election boards of the various voting precincts.

Separate
returns.

SEC. 5. This act shall in no way repeal or abridge any of the provisions of the general election laws, except as herein specifically provided, and all of the provisions of this act shall be carried out as near as may be according to the provisions of the general election laws.

Effect of act,
etc.

[CENTRAL POLLING PLACES.]

AN ACT authorizing the common councils of cities of the fourth class to provide by ordinance for the establishment of central polling places.

[Act 140, P. A. 1913.]

The People of the State of Michigan enact:

§ 3640. SECTION 1. In any city of this State, organized under the laws thereof as a city of the fourth class, it shall be lawful for the common council of said city to provide by an ordinance, passed by at least a majority of the aldermen elect of said city, for the establishment of a central polling place, to be centrally located, and to provide for the discontinuance and abolishment of all other polling places in said city.

Central
polling places.

Election
inspectors,
number, etc.

§ 3641. SEC. 2. The common council of any city establishing a central polling place may appoint four or more inspectors of election at the last meeting of said common council previous to every election, general or special, and said inspectors shall be governed by the general laws of this State in reference to their powers and duties as election inspectors.

PRIMARY FOR TOWNSHIP OFFICERS.

AN ACT to provide a primary election system for the nomination of township officers.

[Act 372, P. A. 1919.]

The People of the State of Michigan enact:

Nomination
of candidates.

SECTION 1. Whenever the township board of any township in this State shall, by resolution duly adopted, elect to come under the provisions of this act, or whenever the qualified electors of any township, by means of a petition presented to the township board signed by not less than twenty-five per cent of such qualified electors and upon receipt of which it shall be the duty of such township board to adopt the provisions of this act for their township, the nomination of all candidates of all political parties for township offices to be elected at the annual township election shall thereafter be conducted as herein provided.

Caucus, how
held.

SEC. 2. The caucus for such nomination shall be open from two o'clock p. m. to eight o'clock p. m., on the day designated therefor. All votes cast at such caucus shall be by ballot, and all laws applicable to the furnishing of ballots and the depositing, counting and canvassing of the same, provided by general law for the election of such township officers are hereby made applicable for such caucus.

Separate
party ballots.

SEC. 3. There shall be separate ballots for the nomination of candidates for each political party in such township. In order to secure the placing of his or her name upon any ballot it shall be necessary for such candidate to file with the township clerk, not less than ten days before the date designated for the holding of such caucus, a petition signed by not less than two nor more than four per centum of the electors of such township as shown by the registration books thereof, asking that his or her name be placed upon such ballot and designating the office and the political party upon whose ballot he or she desires to have such name so placed.

Nominees,
how chosen.

SEC. 4. The candidates receiving the highest number of votes on each political party ballot, for the office designated, shall be declared the nominees for such offices of such party at the ensuing annual township election.

Discontinu-
ance of
system.

SEC. 5. Any township adopting the provisions of this act may at any time thereafter return to the system of nomi-

nating candidates for office as provided under the general election laws of the State by following the same procedure as provided in this act for adopting the provisions thereof: Provided, That such action to return to the system of nominating candidates under the general election law shall be made only upon a petition signed by twenty-five per centum of the qualified electors of such township: Provided further, That this act shall not apply to any township having a population of less than twelve thousand according to the latest federal census.

Proviso, by
petition.

Proviso,
where act
applies.

PRIMARY ELECTION FOR SCHOOL OFFICERS.

AN ACT in relation to a primary election to nominate candidates for school offices.

[Act 169, P. A. 1911.]

The People of the State of Michigan enact:

§ 3516. SECTION 1. Women who are entitled to vote at school elections shall be entitled to enroll at the same times and places and in the same manner, as near as may be, in which male electors are enrolled. The proper election officers shall cause to be prepared and furnished separate enrollment books for the enrollment of such women voters. Such women voters shall be enrolled in such separate books under their full names. Where candidates for school offices are to be nominated at such primary election separate ballots containing the names of candidates for school offices shall be prepared for the use of the voters, and women who are enrolled in accordance with this act shall have the right to vote for candidates for school offices at such primary election. The results of such primary elections shall be certified by the proper boards of canvassers to the proper officials within ten days after such primary election. The provisions of act number two hundred eighty-one of the public acts of nineteen hundred nine are hereby made applicable, except as the contrary may be herein expressed.

Women
voters,
enrollment of

Separate
books, and
ballots.

Provisions
applicable.

[Extract from Act 164, P. A. 1881.]

CHAPTER II.

§ 5664. SEC. 17. In all school elections including school elections held in districts organized and governed in whole or in part by a local act or acts, and including cities of the fourth class, any provisions in such local act or acts to the contrary notwithstanding, every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, or

Who qualified
voter.

On voting
school taxes.

Proviso, land
contracts.

Proviso, in
cities of
250,000 or
over.

who is the parent or legal guardian of any child of school age included in the school census of said district, and who has resided in said district three months next preceding such election, shall be a qualified voter. On the question of voting school taxes, every citizen of the United States of the age of twenty-one years, male or female, who owns property which is assessed for school taxes in the district, and who has resided in the district as above stated, shall be a qualified voter: Provided, That the purchaser of land upon a land contract, who actually pays the taxes upon such land and resides thereon, may vote upon all questions; and where a husband and wife own property jointly and same is assessed for school taxes in the school district, each may, if otherwise qualified, vote upon all questions including the question of raising money: Provided however, That this act shall not be applicable in any city having a population of two hundred fifty thousand or over which comprises a single school district, but in such city all male electors who shall possess the qualifications specified in section one, article three of the constitution of this State, and all females, who, if they were males, would be qualified electors, shall be qualified voters in all school elections in such city, and on questions of voting school taxes therein, and such electors, male and female, shall be registered in the manner provided by law for the registration of male electors in any such city, and all such female electors shall be registered in a separate register, and in making the returns of such elections a separate return shall be made of the votes cast by women, but the aggregate vote return shall include the votes of all women electors, it being the intent of this act that the qualifications of electors qualified to vote for school inspectors therein shall be governed by the provisions of law as they existed prior to the passage of act number one hundred forty-six of the Public Acts of nineteen hundred thirteen.

Am. 1917, Act 7.

CORRUPT PRACTICES ACT.¹

AN ACT to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act.

[Act 109, P. A. 1913.]

The People of the State of Michigan enact:

Election, etc.,
expenses of
candidates,
limit.

§ 3828. SECTION 1. No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him in order to secure or aid in securing

his nomination to any public office or position in this State, in excess of twenty-five per cent of one year's compensation or salary of the office for which he is candidate: Provided, That a sum not exceeding fifty per cent of one year's salary may be expended by the candidates for governor and lieutenant governor; or where the office is that of member of either branch of the legislature of the State, the twenty-five per cent shall be computed on the salary fixed for the term of two years. Provided further, That no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination. No sums of money shall be paid and no expense authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this State, in excess of twenty-five per cent of one year's salary or compensation of the office for which he is nominated; or where the office is that of member of either branch of the legislature of the State, the twenty-five per cent shall be computed on the salary fixed for the term of two years: Provided, That no candidate shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate contrary to the provisions of this act.

Proviso,
governor and
lieutenant
governor.

Further
proviso.

Proviso.

§ 3829. SEC. 2. Every political committee shall appoint a treasurer who shall receive, keep and disburse all sums of money which may be collected or received by such committee or by any of its members for election expenses; and unless such treasurer is first appointed it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose.

Treasurer,
appointment,
duty, etc.

§ 3830. SEC. 3. No candidate and no treasurer of any political committee shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

Expenditures,
what deemed
lawful.

First, For traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger services;

Second, For dissemination of printed information to the public;

Third, For political meetings, demonstrations and conventions;

Fourth, For the rent, maintenance and furnishing of offices;

Fifth, For the payment of clerks, typewriters, stenographers, janitors, and messengers actually employed;

Sixth, For the employment of challengers at primaries and elections, to the number allowed by law as such;

Seventh, For the payment of public speakers and musicians at public meetings, and their necessary traveling expenses;

Eighth, For copying and classifying of election registers

or poll lists and investigating the right to vote of the persons listed or registered therein, and conducting proceedings to purge the registers and lists, and prevent improper or unlawful registration or voting;

Ninth, For making canvasses of voters;

Tenth, For conveying infirm or disabled voters to and from the polls;

Eleventh, For employing as counsel, attorneys licensed to practice in accordance with the laws of the State, and for the necessary expenses of such counsel.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given.

Candidate
and treasurer
to file ac-
count, etc.

§ 3831. SEC. 4. Every candidate and every treasurer of a political committee shall, within ten days after any primary election, caucus or convention and again within twenty days after any general election, whether State, county, city, municipal, township or district election, in or concerning which he shall have received or disbursed any money, prepare and file in the office of the county clerk of the county in which such candidate or treasurer resides, a full, true and detailed account and statement subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for nomination or election expenses, the date of each receipt, the name of the person from whom received or to whom paid, and the person to whom and object or purpose for which disbursed. Such statements shall also set forth the unpaid debts and obligations, if any, of such candidate or committee, incurred for the purposes set forth in section three of this act, with the nature and amount of each, and to whom owing, in detail, and if there are no such unpaid debts or obligations of such candidate or committee, such statement shall state such fact.

What to
set forth.

Account filed
before oath
administered,
etc.

§ 3832. SEC. 5. It shall be unlawful to administer the oath of office or to issue a commission or certificate of nomination or election to any person nominated or elected to any public office until he has filed an account as required by this act, which account shall upon its face be complete and show a lawful compliance with this act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary or fees for any period prior to the filing of the same.

Open to
public
inspection.

§ 3833. SEC. 6. All such accounts shall be open to public inspection in the offices where they are filed and shall be carefully preserved there for a period of one year, and it shall be the duty of the officers having custody of the same to give certified copies in like manner as of other public records.

Statements,
inspection,
etc.

§ 3834. SEC. 7. The several officers with whom statements are required to be filed shall inspect all statements of accounts

and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person to comply with this act.

§ 3835. SEC. 8. Upon the failure of any person to file a statement within ten days after receiving such notice, or if any statement filed discloses any violation of any provision of this act, the county clerk shall forthwith notify the prosecuting attorney of the county where said violation occurred, and shall furnish him with copies of all papers relating thereto, and said prosecuting attorney shall on such complaint or the complaint of any other person, forthwith enter the same in a docket kept for that purpose in his office, and within twenty days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this act he shall, in the name of the people of the State, forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

Failure to
file, etc.

§ 3836. SEC. 9. No person otherwise competent as a witness shall be excused from answering any question, in any proceedings under this act, on the ground that such answer would tend to incriminate him; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution except in an action for perjury in giving such testimony.

Witness, when
not excused.

§ 3837. SEC. 10. The secretary of state shall, at the expense of the State, furnish to the proper county, city, village or town clerks blanks in a form approved by the attorney general, suitable for the statements hereinbefore required.

Blanks, by
whom
furnished.

§ 3838. SEC. 11. No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee.

Contributions,
to whom
payable.

§ 3839. SEC. 12. No person shall make a payment of his own money or of another person's money to any person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished.

Money
credited
to person
furnishing.

§ 3840. SEC. 13. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such

Anonymous
contributions.

treasurer, to disburse money received from any anonymous source.

Officer, etc.,
of corpora-
tion, not to
contribute.

§ 3841. SEC. 14. No officer, director, stockholder, attorney, agent or any other person, acting for any corporation or joint stock company, whether incorporated under the laws of this or any other State or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever.

Unlawful to
threaten, etc.,
employees.

§ 3842. SEC. 15. It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying the salary or wages of any of its, their or his employes, to enclose their pay in pay envelopes, upon which there is written or printed any political notice, device or argument, containing any threat, expressed or implied, intended or calculated to influence the political opinion, views or actions of such employes so paid. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election or primary election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office or other establishment or place where its, their or his employes may be working or be present in the course of such employment, any hand bill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be nominated or elected, work in its, their or his place or establishment will cease, in whole or in part, or its, their or his establishment will be closed, or the wages of its, their or his workmen shall be reduced; or any other threats, expressed or implied, intended or calculated to influence the political opinion or act of its, their or his employes.

Newspaper
advertisements to be
marked paid.

§ 3843. SEC. 16. No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is a paid advertisement. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment.

False state-
ment, etc.

§ 3844. SEC. 17. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person knowingly assisting in the circulation thereof shall, upon conviction thereof, be subject to the penalties provided for the violation of this act: Provided, That this shall in no wise deprive the injured party of any other action for libel given by law.

Proviso.

§ 3845. SEC. 18. Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this act, shall upon conviction thereof be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two years, either or both, at the discretion of the court.

Penalty for violation.

§ 3846. SEC. 19. Terms used in this act shall be used as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

Terms defined.

“Candidate” shall apply to any person whose name is printed on an official ballot for public office, or whose name has been presented for public office, with his consent, for nomination or election;

“Political committee” or “committee” shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle or measure;

“Public office” shall apply to any national, State, county or city ward, village or town office which is filled by the voters of this State, as well as to the office of presidential elector and United States senator;

“Town” shall apply to incorporated towns as well as to townships.

§ 3847. SEC. 20. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: Provided, That the repeal of such acts or parts of acts, or any of them, shall not be construed to affect any offense committed, or any prosecution or proceeding instituted or pending under the laws so repealed.

Proviso.

§ 3848. SEC. 21. No person or organization shall ask, demand or request of or from any candidate for any public office subsequent to any public announcement of the candidacy for any nomination for such office, any donation, gift or contribution, purchase of tickets, or similar demands. This section shall be held to extend to include religious, charitable, or social organizations or any person working in their behalf.

Unlawful to demand, etc., contribution, etc.

PREFERENTIAL PRIMARY ELECTION FOR PRESIDENT OF UNITED STATES.

AN ACT to provide for the expression by the qualified voters of the several political parties of their choice for the nomination by their party for the president of the United States.

[Act 9, First Ex. Sess. 1912.]

The People of the State of Michigan enact:

When
primary
held.

§ 3567. SECTION 1. On the first Monday in April, nineteen hundred twelve, and on the first Monday in April in every four years thereafter there shall be held a primary nominating election in every voting precinct of this State, which shall be known as the April presidential primary election, at which the qualified voters of the several political parties, shall have the opportunity on separate ballots provided for that purpose to express their preference as to the nominees of their respective parties for the office of president of the United States.

Names,
when printed
on ballot.

§ 3568. SEC. 2. The names of any candidates for the office of president of the United States shall be printed on the official primary ballot solely upon petition of their political supporters in Michigan, which petition shall be signed by not less than one hundred of the qualified voters of such political party, and said petition shall be filed with the secretary of state on or before twelve o'clock noon, March twenty-three, nineteen hundred twelve, and on or before twelve o'clock noon on the first day of March in each fourth year thereafter. The nominating ballots as herein provided for shall be counted, canvassed and returned in the same manner as the names and petitions of the aspirant for the party nomination for the office of governor are now required to be marked, filed, counted, canvassed and returned.

Petition,
when and
where filed.

Canvass
and return.

Form of
petition.

§ 3569. SEC. 3. All nominating petitions shall be in the following form:

We, the undersigned voters of the
party of the city (or township) in the county of.....
State of Michigan, hereby nominate.....
of the state of.....as a candidate of
.....party for the office of president of the
United States to be voted for at the April presidential primary
election to be held on the.....day of April....., as
representing the best principles of said party, and we further
declare that we intend to support the political party named
herein.

Name.	Residence.	Date of Signing.
.....

§ 3570. SEC. 4. The secretary of state shall, immediately after the final date of filing petitions herein provided for, forward to the several county clerks in the State of Michigan, notice that a presidential primary election will be held in all the voting precincts in this State on the first Monday in April, nineteen hundred twelve, and the same notice in each fourth year hereafter as herein provided for, together with a copy of the official ballot to be provided for at such election which shall have printed thereon the names of all candidates for the office of president of the United States as ascertained by the nominating petitions on file with him; said names to be alternated on said ballots in accordance with the provisions of the state primary election law.

Notice of election.

§ 3571. SEC. 5. The official presidential preference primary ballot shall be as follows:

Form of ballot.

OFFICIAL PRIMARY ELECTION BALLOT.

..... Party, Apr.

Instruction to voters.
To vote for a person whose name appears on the ballot mark an (x) in the square in front of the name of the person for whom you wish to vote. To vote for a person whose name is not on the ballot, write his name on the blank space provided for. Vote only for one person.

	JOHN DOE
	RICHARD ROE
	JAMES JONES

The color, size and form of ballot, except as herein provided, to be the same as required by the state primary election law.

Color, etc.

§ 3572. SEC. 6. It shall be the duty of each county clerk upon the receipt of the list of candidates and notice of election to cause the required number of presidential election ballots for every voting precinct in the county to be printed, containing the names of candidates as certified to by the secretary of state. The ballots shall be numbered and one corner perforated in the same manner as is required for the numbering and perforating of ballots under the regular state primary election.

Duty of county clerk.

Sec. 7 was repealed by Act 219 of 1915. This section provided for the payment by the State of the expense of printing the necessary ballots.

§ 3573. SEC. 8. The candidate receiving the highest number of votes in the State at said election shall be declared to be the candidate and the choice of such political party for this State.

How choice declared.

Sec. 9 repeals all inconsistent or contravening acts or parts of acts.

NOMINATION OF MEMBER OF NATIONAL COMMITTEE.

AN ACT to provide for the expression by the qualified enrolled voters of the several political parties of their choice for the nomination by their party for the member of the national committee of the various political parties of this State, and making an appropriation to carry out the provisions of the same.

[Act 392, P. A. 1913.]

The People of the State of Michigan enact:

Primary for
national
committee-
men.

§ 3575. SECTION 1. On the first Monday in April, nineteen hundred sixteen, and on the first Monday in April in every four years thereafter, there shall be held a primary nominating election in every voting precinct of this State, at which the qualified voters, including those who shall be qualified on the first day of April, nineteen hundred sixteen, of the several political parties, shall have the opportunity on separate ballots provided for that purpose to express their preference for the members of the national committee of their respective parties.

Petition,
who to
sign, etc.

§ 3576. SEC. 2. The name of any candidate for the office of national committeeman shall be printed on the official primary ballot solely upon the petition of their political supporters in Michigan, which petition shall be signed by not less than one hundred of the qualified voters of such political party, and said petition shall be filed with the secretary of state on or before twelve o'clock noon, March first, nineteen hundred sixteen, and on or before twelve o'clock noon of the first day of March in each fourth year thereafter. The nominating ballots as herein provided for shall be counted, canvassed, and returned in the same manner as the names and petitions of the aspirants for the party nomination for the office of governor are now required to be marked, filed, counted, canvassed and returned.

Canvass.

Nomination
petition,
form of.

§ 3577. SEC. 3. All nominating petitions shall be in the following form:

We, the undersigned qualified voters of the.....
party, of the city (or township) in the county of.....,
State of Michigan, hereby nominate.....,
as a candidate of the.....party for the
office of national committeeman to be voted for at the April
primary election to be held on the.....day of April,
....., and we further declare that we intend
to support.....for the office of National
Committeeman.

Name Residence
Date of Signing.....

§ 3578. SEC. 4. The secretary of state shall, immediately after the final date of filing petitions herein provided for, forward to the several county clerks of the State of Michigan notice that a primary election will be held in all the voting precincts in this state on the first Monday in April, nineteen hundred sixteen, and the same notice in each fourth year hereafter as herein provided for, together with a copy of the official ballot to be provided for at such election, which shall have printed thereon the names of all candidates for the office of national committeeman as ascertained by nominating petitions on file with him; said names to be alternated on said ballot in accordance with the provisions of the said primary election law.

Notice of election, etc.

§ 3579. SEC. 5. The official ballot shall be as follows:

Ballot, form of.

OFFICIAL PRIMARY ELECTION BALLOT.

..... Party Apr.

To vote for one (1) person whose name appears on the ballot mark an (x) in the square in front of one of the names of the persons for whom you wish to vote. To vote for a person whose name is not on the ballot, write his name in the blank space provided for. Vote only for one (1) person.

	JOHN JONES
	WILLIAM SMITH
	THOMAS RYAN

The color, size and form of ballot, except as herein provided, to be the same as required by the state primary election law.

§ 3580. SEC. 6. It shall be the duty of each county clerk upon the receipt of the list of candidates and notice of election to cause the required number of election ballots for every voting precinct in the county to be printed, containing the names of candidates as certified to by the secretary of state. The ballots shall be numbered and one corner perforated in the same manner as is required for the numbering and perforating of ballots under the regular State primary election; and the expense of printing said ballots shall be borne by the state.

County clerk, duty of.

Sec. 7 was repealed by Act 151 of 1915. This section provided for the payment by the State of the expense of printing the necessary ballots.

§ 3581. SEC. 8. The candidate receiving the highest number of votes in the State at said election shall be declared to be the candidate and the choice of such political party for the office of national committeeman.

Choice of party.

Sec. 9 repeals all inconsistent acts or parts of acts.

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